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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,844	05/31/2005	Tibor Novosad	NL021315US	6226

24737 7590 08/25/2010
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

MIAN, OMER S

ART UNIT	PAPER NUMBER
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2461

MAIL DATE	DELIVERY MODE
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08/25/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/536,844	Applicant(s) NOVOSAD, TIBOR	
	Examiner OMER MIAN	Art Unit 2461	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 is/are allowed.
- 6) ☒ Claim(s) 4-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-3 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the prior art of record does not disclose *a method of enhancing a content that comprises contiguous blocks containing a program stream and interleaved blocks containing interleaved program streams, said program streams being readable independently of one another, any occurrence of consecutive interleaved blocks in said content being forbidden, said method comprising a step of using an authoring system for processing an original block of said content so as to interleave at least one enhancement program stream associated with at least one original program stream of said original block, said original program stream comprising original program units and said enhancement program stream comprising enhancement program units, an original program unit being associated with an enhancement program unit, said processing step comprising:*

a) if said original block is a contiguous block:

using the authoring system for checking whether interleaving of said enhancement program stream(s) into said original block would lead to an occurrence of consecutive interleaved blocks in said content, and in such a case,

using the authoring system for splitting said original contiguous block into a main block and at least one contiguous separation block,

using the authoring system for using said contiguous separation block(s) to separate said consecutive interleaved blocks,

using the authoring system for interleaving the enhancement program units associated with the original program units of said main block, if any, into said main block,

interleaving the enhancement program units associated with the original program units of a contiguous separation block, if any, into an interleaved block that is adjacent to said contiguous separation block,

b) in other cases, using the authoring system for interleaving said enhancement program stream into said original block;

c) using the authoring system for adding a pointer in said original program units that points to the enhancement program unit it is associated with.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 4-8 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 4-5 are directed to computer readable medium. Computer readable medium, as recited in claims and the disclosure could include transitory signals. In order to make a computer readable medium claim statutory, the claim must be recited in a

way to exclude transitory media. Examiner suggests inserting the wording "non-transitory computer readable medium".

Claims 6-8 are directed to content stored on a computer readable medium. This content is claimed to be obtained by applying a method of enhancing a content. As the claims are directed towards a "non-functional descriptive material" stored on a computer readable medium and refer to mere arrangement of data, the claims are nonstatutory.

Response to Arguments

4. Applicant's arguments filed 06/30/2010 have been fully considered but they are not persuasive.

Regarding claims 4-5, the computer readable medium, as recited in claims and the disclosure could include transitory signals. In order to make a computer readable medium claim statutory, the claim must be recited in a way to exclude transitory media. Examiner suggests inserting the wording "non-transitory computer readable medium".

Regarding claims 6-8, when nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium. See *Diamond v. Diehr*, 450 U.S. 175, 185-86, 209 USPQ 1, 8. For example, data including but not limited to music/video is not a computer component, and it does not become statutory by merely recording it on a compact disk.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMER MIAN whose telephone number is (571)270-7524. The examiner can normally be reached on Monday-Thursday 8:30am-6pm and Fridays 8:30am-12:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HUY VU can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2461

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. M./

Examiner, Art Unit 2461

/Jason E Mattis/

Primary Examiner, Art Unit 2461